

Remarks

The Office Action dated September 15, 2005 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-5, 7-23, 25-84, and 86-117 are pending in this application. Claims 1-5, 7-23, 25-84, and 86-118 stand rejected. Claim 118 has been canceled.

In accordance with 37 C.F.R. 1.136(a), a three-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated September 15, 2005, for the above-identified patent application from December 15, 2005, through and including March 16, 2006. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of \$1,020.00 to cover this extension of time request also is submitted herewith.

Applicants and the undersigned wish to express their appreciation to Examiner Borissov for the courtesies he extended during a telephone interview that occurred on March 7, 2006. Applicants were represented during the telephone interview by Daniel M. Fitzgerald and Michael Tersillo.

During the telephone interview, the Office Action dated September 15, 2005 was discussed. Particularly, the Section 112 rejection was discussed and there was an agreement that the rejected claims meet the requirements of Section 112. With respect to the Section 103(a) rejection, no agreement was reached. However, the Examiner suggested amending the independent claims to include method steps that more specifically defined the method. Applicants have, for example, amended Claim 1 to recite the step of "displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user". The other independent claims

of the present application have been similarly amended along with other more specific recitations.

The foregoing amendment has been made in consequence of the Examiner Interview. Accordingly, applicants respectfully submit that the present application is in condition for allowance.

The rejection of Claims 50-118 under 35 U.S.C. § 112, first paragraph is respectfully traversed.

Applicants respectfully submit that the subject matter in Claims 50-117 is described in the specification in full, clear, concise, and exact terms as to enable any person skilled in the art to make and use the invention. Particularly, the "means" subject matter recited in Claims 50-118 are described in the specification at pages 7-21 and illustrated in Figures 3-16. Also, there is no requirement for the term "means for" to be used in the specification. The only requirement in Section 112, first paragraph, is that the means are described in the specification in full, clear, concise, and exact terms as to enable any person skilled in the art to make and use the invention. Applicants submit that one skilled in the art upon reading the specification, including the figures could make and use the invention recited in Claims 50-117. Further, as noted in Applicants' last Amendment Response filed June 30, 2005 at page 34, Applicants amended independent Claims 50 and 114-117 to be in means plus function format as suggested by the Examiner. Further, the modules recited in Claim 114 were presented in the originally filed claims and are discussed in the present application at page 11 and are illustrated in Figure 7. Claim 118 has been canceled.

For the reasons set forth above, Applicants respectfully request that the Section 112, first paragraph, rejection of Claims 50-118 be withdrawn.

The rejection of Claims 1-5, 7-17, 19, 24-34, and 37-47 under 35 U.S.C. § 103(a) as being unpatentable over Conte et al. (US 5,845,065) in view of Jacobson (US 6,735,701) and further in view of Hedstrom et al. (US 6,477,471) is respectfully traversed.

Conte et al., Jacobson, and Hedstrom et al., alone or in combination, do not describe nor suggest a method for managing software assets of a business entity using a web-based system as recited in Claim 1. Particularly, Conte et al., Jacobson, and Hedstrom et al., alone or in combination, do not describe nor suggest a method that includes identifying at least one software asset satisfying a predetermined requirement of the business entity, initiating and completing an acquisition process of the at least one software asset satisfying the predetermined business requirement, deploying the acquired software asset including installing the acquired software asset on at least one of the server system and the at least one client system, the deployed software asset is accessed using the at least one client system, auditing the acquired software asset owned or licensed by the business entity by transmitting data from the server to the at least one client system to display an assessment worksheet on the at least one client system, displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user, inputting a response by the user to the at least two questions presented in the assessment worksheet, inputting to the server response received from the user to the at least two questions presented in the assessment worksheet, and determining compliance with the software management process including compliance with the terms and conditions of the software license corresponding to the acquired software asset by calculating at the server a sigma value based at least in part on the response inputted by the user.

The Office Action at pages 3-4 admits that Conte does not teach "installing updated software; transmitting data from the server to the at least one client system to display an assessment worksheet, said worksheet including at least one question relating to the acquired software asset; prompting a user to respond to the at least one question displayed; processing at least one response from the user; and calculating a sigma value based at least in part on the at least one response from the user; wherein the sigma value indicates compliance with the terms and conditions of the software license corresponding to the acquired asset".

Also, Jacobson does not describe nor suggest the method steps recited in Claim 1. Rather, Jacobson describes a policy effectiveness system for maintaining security and use policy compliance on a computer network. The system electronically monitors network user compliance with a network security policy stored in a database, electronically evaluates network security policy compliance based on network user compliance, and electronically undertakes a network policy compliance action in response to network security policy compliance. The network policy compliance actions include electronically implementing a different network security policy selected from network security policies stored in the database, generating policy effectiveness reports, and providing a retraining module to network users.

The Office Action, at page 4, suggests that Jacobson teaches a method and system that includes "purchasing and upgrading software (C. 20, L.50-51)". Applicants disagree with this suggestion because Jacobson actually describes at Col. 20, lines 39-64 a policy effectiveness module that "can *generate reports to track* an organization's user access . . . statistical and graphical information regarding justification for software purchases, upgrades, and maintenance expenses, software installations, software compliance, . . . the need for upgrades, the need for training, projections for hardware, software and licensing costs/usages, . . . and the allocation of

related costs related to department" (emphasis added). Applicants submit that the policy effectiveness module described in Jacobson does not, and is not capable of, initiating and completing an acquisition process of the at least one software asset satisfying the predetermined business requirement, deploying the acquired software asset including installing the acquired software asset on at least one of the server system and the at least one client system, the deployed software asset is accessed using the at least one client system, auditing the acquired software asset owned or licensed by the business entity by transmitting data from the server to the at least one client system to display an assessment worksheet on the at least one client system, displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user, inputting a response by the user to the at least two questions presented in the assessment worksheet, inputting to the server response received from the user to the at least two questions presented in the assessment worksheet, and determining compliance with the software management process including compliance with the terms and conditions of the software license corresponding to the acquired software asset by calculating at the server a sigma value based at least in part on the response inputted by the user.

Also, the Office Action at page 4, suggests that Jacobson teaches a method and system that includes "presenting via a Training Module a network user with a template (worksheet) (C. 5, L. 51-52), . . . and processing responses received from said user by the policy effectiveness system to determine policy training needs and policy history (compliance with the software management process) (C.5, L. 60-63, C. 20, L. 14-15)". Applicants submit that these teachings do not include or suggest auditing the acquired software asset owned or licensed by the business

entity by transmitting data from the server to the at least one client system to display an assessment worksheet on the at least one client system, displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user, inputting a response by the user to the at least two questions presented in the assessment worksheet, inputting to the server response received from the user to the at least two questions presented in the assessment worksheet, and determining compliance with the software management process including compliance with the terms and conditions of the software license corresponding to the acquired software asset by calculating at the server a sigma value based at least in part on the response inputted by the user. Rather, Jacobson describes at Col. 5, lines 50-55, "The policy training module 105 is comprised of several templates. When the system is first implemented, policy consultants work with management personnel within an organization to determine the organization's policies for the initial training" Also, Jacobson describes at Col. 5, lines 60-63 that "after the initial training sessions, the policy effectiveness system 100 will analyze all of the areas it monitors and compare it to each network user profile 150 to determine the policy training needs of the individual network users. Applicants submit that Jacobson , in Col. 5, does not describe nor suggest displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user, inputting a response by the user to the at least two questions presented in the assessment worksheet, inputting to the server response received from the user to the at least two questions presented in the assessment worksheet. Jacobson's system is directed to the training of network users and determining if they

need more training. Further, Jacobson describes at Col. 20, lines 12-17, that the user profile database "maintains a record of the user's policy training and exam status, policy compliance history, network access or privileges such as using the network for charitable uses". Jacobson's system is directed to tracking user compliance with network policy and does not describe nor suggest determining compliance with the software management process including compliance with the terms and conditions of the software license corresponding to the acquired software asset by calculating at the server a sigma value based at least in part on the response inputted by the user to the questions presented in the assessment worksheet.

Hedstrom does not describe nor suggest auditing the acquired software asset owned or licensed by the business entity by transmitting data from the server to the at least one client system to display an assessment worksheet on the at least one client system, displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user, inputting a response by the user to the at least two questions presented in the assessment worksheet, inputting to the server response received from the user to the at least two questions presented in the assessment worksheet, and determining compliance with the software management process including compliance with the terms and conditions of the software license corresponding to the acquired software asset by calculating at the server a sigma value based at least in part on the response inputted by the user.

Rather, Hedstrom describes a statistical tool apparatus for predicting defects in products that includes a processor, a memory, a keyboard, a drive for loading a software package and a display. The processor is loaded with a program for storing historical data indicating the

historical pattern of defect containment in the stages of development. The processor has stored therein algorithms for computing sigma values based on opportunities and escaping defects in the stages, and includes an algorithm for backsolving from historical data. The apparatus provides historical data of defects at different stages of development and a value representing a goal for escaping defects. The apparatus also provides the planned total number of opportunities for defects. The goal for number of escaping defects and the planned number of opportunities for defects are backsolved to determine the total number of defects. The total defects are distributed as a function of the historical data to provide prediction of defects at the different stages of development. Applicants submit that Hedstrom's system does not calculate a sigma where the sigma value indicates compliance with the software management process of the business entity including compliance with the terms and conditions of the software license corresponding to the acquired software asset. Hedstrom's system is directed to defects that occur during the development of a software product and does not include any tracking or statistical calculations related to compliance with software license agreements.

For the reasons explained above, Applicants submit that independent Claim 1 is patentable over Conte et al., Jacobson, and Hedstrom et al., alone or in combination.

Claims 2-5, 7-17, 19, 24-34, and 37-46 depend from independent Claim 1. When the recitations of dependent Claims 2-5, 7-17, 19, 24-34, and 37-46 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that Claims 2-5, 7-17, 19, 24-34, and 37-46 likewise are patentable over Conte et al., Jacobson, and Hedstrom et al., alone or in combination.

Independent Claim 47 recites a computer-implemented method for tracking software assets owned and licensed by a business that includes "auditing each software asset owned or

licensed by the business entity by: transmitting data for a selected software asset from the database to the computer to display an assessment worksheet on the computer; displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user, inputting a response by the user to the at least two questions presented in the assessment worksheet; inputting to the computer the response received from the user to the at least two questions presented in the assessment worksheet; and determining compliance with the software management process including compliance with the terms and conditions of the software license corresponding to the acquired software asset by: calculating at the computer a sigma value based at least in part on the response inputted by the user."

At least for the reasons explained above, Applicants submit that independent Claim 47 is patentable over Conte et al., Jacobson, and Hedstrom et al., alone or in combination.

Independent Claim 48 recites a method for tracking software assets owned and licensed by a business entity using a web-based server system that includes " displaying on the client system for a user a software management assessment check list that includes at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user; inputting a response by the user to each question included within the software management assessment check list; and determining compliance with the software management process including compliance with the terms and conditions of the software license corresponding to the acquired software asset by: calculating a sigma value based at least in part

on the responses inputted by the user and on guidelines pre-stored within the database, the calculations are performed using the server system."

At least for the reasons explained above, Applicants submit that independent Claim 48 is patentable over Conte et al., Jacobson, and Hedstrom et al., alone or in combination.

Independent Claim 49 recites a computer-implemented method for tracking software assets owned and licensed by a business entity that includes " displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user; inputting a response by the user to the at least two questions presented in the assessment worksheet; inputting a response by the user to the at least two questions presented in the assessment worksheet; determining compliance with the software management process including compliance with the terms and conditions of the software license corresponding to the acquired software asset by: analyzing user input against a pre-determined criteria; and calculating a sigma value based at least in part on the responses inputted by the user and on guidelines pre-stored within the database, the calculations are performed using the server system."

At least for the reasons explained above, Applicants submit that independent Claim 49 is patentable over Conte et al., Jacobson, and Hedstrom et al., alone or in combination.

Independent Claim 50 recites a web-based system for managing software assets of a business entity, wherein the business entity has a software management process, and the system includes a client system, a centralized database for storing information, and a server system configured to be coupled to the client system and the centralized database, wherein the web-based system further includes "means for auditing the acquired software asset by: transmitting

data from the server to the client system to display an assessment worksheet on the at least one client system; displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user; inputting a response by the user to the at least two questions presented in the assessment worksheet; inputting to the server the response received from the user to the at least two questions presented in the assessment worksheet; and determining compliance with the software management process including compliance with the terms and conditions of the software license corresponding to the acquired software asset by: calculating at the server a sigma value based at least in part on the response.”

At least for the reasons explained above, Applicants submit that independent Claim 50 is patentable over Conte et al., Jacobson, and Hedstrom et al., alone or in combination.

Claims 51-84 and 86-113 depend from independent Claim 50. When the recitations of dependent Claims 51-84 and 86-113 are considered in combination with the recitations of Claim 50, Applicants respectfully submit that Claims 51-84 and 86-113 likewise are patentable over Conte et al., Jacobson, and Hedstrom et al., alone or in combination.

Claim 114 recites a software license management system to automate a software management process for managing software assets of a business entity, measuring compliance requirements, and tracking/reporting status as necessary to assure proficiency and adherence to implementation requirements of the software management process, the system includes a client system, a centralized database, a server system configured to be coupled to the client system and the centralized database, wherein the management system further includes “means for organizing and processing information using at least one of an a software identification module, an

acquisition module, a deployment module, a maintenance module and a software retirement module; means for displaying an assessment worksheet on the client system; means for displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user; means for inputting a response by the user to the at least two questions presented in the assessment worksheet; means for computing a sigma value based on the user's responses to the at least two questions to measure compliance with the software management process including compliance with software licenses associated with the software asset; and means for providing feedback and suggestions based on the computed sigma value to help reduce the exposure to litigation and penalties, maximize software asset utilization through tighter inventory control, and capitalize on the software procurement process.”

At least for the reasons explained above, Applicants submit that independent Claim 114 is patentable over Conte et al., Jacobson, and Hedstrom et al., alone or in combination.

Claim 115 recites a system for tracking software assets owned and licensed by a business entity, the business entity having a software management process, the system includes a client system, a centralized database, a server system configured to be coupled to the client system and the database, wherein the system further includes “means for accessing the centralized database containing software assets information including data relating to each software asset owned or licensed by the business entity including terms and conditions of each corresponding software license...means for searching the database regarding a specific inquiry received from a user...means for retrieving information from the database...means for causing the retrieved information to be displayed for tracking, monitoring and auditing purposes...means for auditing

each software asset owned or licensed by the business entity by: transmitting data for a selected software asset from the server to the client system to display an assessment worksheet; displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user; inputting a response by the user to the at least two questions presented in the assessment worksheet; inputting to the server response received from the user to the at least two questions presented in the assessment worksheet; and determining compliance with the software management process including compliance with the terms and conditions of the software license corresponding to the acquired software asset by: calculating at the server a sigma value based at least in part on the response inputted by the user.”

At least for the reasons explained above, Applicants submit that independent Claim 115 is patentable over Conte et al., Jacobson, and Hedstrom et al., alone or in combination.

Claim 116 recites a system for tracking software assets owned and licensed by a business entity, the business entity having a software management process, the system includes a client system, a centralized database, a server system configured to be coupled to the client system and the database, wherein the system further includes “means for displaying on the client system for a user a software management assessment checklist; means for displaying in the assessment checklist at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user; means for inputting a response by the user to the at least two questions presented in the assessment checklist; and means for determining compliance with the software management process including compliance with the terms and conditions of the

software license corresponding to the acquired software asset by: computing a sigma value based on guidelines pre-stored within the database and the response inputted by the user.”

At least for the reasons explained above, Applicants submit that independent Claim 116 is patentable over Conte et al., Jacobson, and Hedstrom et al., alone or in combination.

Claim 117 recites a system for tracking software assets owned and licensed by a business entity, the business entity having a software management process, the system includes a client system, a centralized database, a server system configured to be coupled to the client system and the centralized database, wherein the system further includes “means for storing in the database information relating to a software asset owned or licensed by the business entity including storing terms and conditions of a corresponding software license...means for displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user; means for inputting a response by the user to the at least two questions presented in the assessment worksheet; means for determining compliance with the software management process including compliance with the terms and conditions of the software license corresponding to the acquired software asset by: analyzing user input against a pre-determined criteria; and calculating a sigma value based on the user input and the pre-determined criteria.”

At least for the reasons explained above, Applicants submit that independent Claim 117 is patentable over Conte et al., Jacobson, and Hedstrom et al., alone or in combination.

Claim 118 has been canceled.

At least for the reasons explained above, Applicants submit that Claims 1-5, 7-23, 25-84, and 86-117 are patentable over Conte et al., Jacobson, and Hedstrom et al., alone or in combination.

For the reasons set forth above, Applicants respectfully request that the Section 103(a) rejection of Claims 1-5, 7-17, 19, 24-34, and 37-47 be withdrawn.

The rejection of Claims 18, 20-23, 67, 78-84, and 86-87 under 35 U.S.C. § 103(a) as being unpatentable over Conte et al. (US 5,845,065) in view of Jacobson (US 6,735,701) and further in view of Hedstrom et al. (US 6,477,471) and still further in view of Aycock et al. (US 5,765,138) is respectfully traversed.

As explained above, Conte et al., Jacobson, and Hedstrom et al., alone or in combination, do not describe nor suggest a method for managing software assets of a business entity using a web-based system as recited in Claim 1, or a web-based system for managing software assets of a business entity as recited in Claim 50. Particularly, Conte et al., Jacobson, and Hedstrom et al., alone or in combination, do not describe nor suggest a method that includes identifying at least one software asset satisfying a predetermined requirement of the business entity, initiating and completing an acquisition process of the at least one software asset satisfying the predetermined business requirement, deploying the acquired software asset including installing the acquired software asset on at least one of the server system and the at least one client system, the deployed software asset is accessed using the at least one client system, auditing the acquired software asset owned or licensed by the business entity by transmitting data from the server to the at least one client system to display an assessment worksheet on the at least one client system, displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of

installed software and licenses has been conducted by the user, inputting a response by the user to the at least two questions presented in the assessment worksheet, inputting to the server response received from the user to the at least two questions presented in the assessment worksheet, and determining compliance with the software management process including compliance with the terms and conditions of the software license corresponding to the acquired software asset by calculating at the server a sigma value based at least in part on the response inputted by the user. Accordingly, Applicants submit that independent Claims 1 and 50 are patentable over Conte et al., Jacobson, and Hedstrom et al., alone or in combination.

Aycock is cited for teaching a method and system for providing an interactive evaluation of potential vendors where a request for proposal or request for quotation to potential vendors is submitted and vendor responses are scored and evaluated. Aycock is not cited for, and does not teach, a method or a system for managing software assets of a business entity (as recited in independent Claims 1 or 50) that includes identifying at least one software asset satisfying a predetermined requirement of the business entity, initiating and completing an acquisition process of the at least one software asset satisfying the predetermined business requirement, deploying the acquired software asset including installing the acquired software asset on at least one of the server system and the at least one client system, the deployed software asset is accessed using the at least one client system, auditing the acquired software asset owned or licensed by the business entity by transmitting data from the server to the at least one client system to display an assessment worksheet on the at least one client system, displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user, inputting a response by the user

to the at least two questions presented in the assessment worksheet, inputting to the server response received from the user to the at least two questions presented in the assessment worksheet, and determining compliance with the software management process including compliance with the terms and conditions of the software license corresponding to the acquired software asset by calculating at the server a sigma value based at least in part on the response inputted by the user.

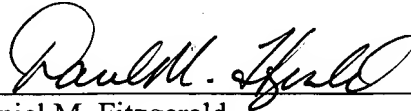
As explained above, Conte et al., Jacobson, and Hedstrom et al., alone or in combination, do not describe nor suggest such a method or system for managing software assets of a business entity as recited in Claims 1 or 50. Therefore, it follows that Conte et al., Jacobson, Hedstrom et al., and Aycock, alone or in combination, do not describe nor suggest such a method or system for managing software assets of a business entity as recited in Claims 1 or 50. Accordingly, Applicants submit that independent Claims 1 and 50 are patentable over Conte et al., Jacobson, Hedstrom et al., and Aycock, alone or in combination.

Claims 18 and 20-23 depend from independent Claim 1, and Claims 67, 78-84, and 86-87 depend from independent Claim 50. When the recitations of dependent Claims 18 and 20-23 and Claims 67, 78-84, and 86-87 are considered in combination with the recitations of Claims 1 and 50 respectively, Applicants respectfully submit that Claims 18, 20-23, 67, 78-84, and 86-87 likewise are patentable over Conte et al., Jacobson, Hedstrom et al., and Aycock, alone or in combination.

For the reasons set forth above, Applicants respectfully request that the Section 103(a) rejection of Claims 18, 20-23, 67, 78-84, and 86-87 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daniel M. Fitzgerald", is written over a horizontal line.

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